

DOA FILE

Leg

26 August 1988

OCA 2894-88

MEMORANDUM FOR: [redacted] ACIS

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FROM: [redacted] Legislation Division
Office of Congressional Affairs

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SUBJECT: State Draft Report on H.R. 901, Biological
Weapons Act of 1987

1. The Office of Management and Budget (OMB) has asked for our views on the Department of State's draft report (attached) on the above-captioned bill. For your information, there has been no movement on the bill during this Congress.

2. In order that we may respond to OMB promptly, I ask that you refer your comments to me no later than 6 September 1988. You may relay your views to me by telephoning [redacted]

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Attachment

OCA/LEG [redacted] 26 Aug 88

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United States Department of State



Washington, D.C. 20520

Dear Mr. Chairman:

In lieu of testimony, the Secretary has asked me to reply to your letter of March 7, 1988, regarding H.R. 901, to "implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes."

Article IV of the Biological Weapons Convention provides that each state "shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such state, under its jurisdiction or under its control anywhere".

In light of existing laws on biological materials, such as the Toxic Substances Control Act of 1976, we do not consider that further legislation to implement the Biological Weapons Convention is necessary. We recognize, however, that additional domestic criminal legislation addressing biological materials may be useful, and we understand that the Department of Justice is prepared to work with the Committee on such legislation.

Thank you for your inquiry on this matter.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative Affairs

The Honorable
Peter W. Rodino, Jr.,
Chairman,
Committee on the Judiciary,
House of Representatives.